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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,603	03/17/2004	Jorg Sudau	4452-600	4965
27799	7590	07/17/2006	EXAMINER	
COHEN, PONTANI, LIEBERMAN & PAVANE 551 FIFTH AVENUE SUITE 1210 NEW YORK, NY 10176			BONCK, RODNEY H	
			ART UNIT	PAPER NUMBER
			3681	

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/802,603	SUDAU, JORG	
	Examiner	Art Unit	
	Rodney H. Bonck	3681	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The following action is in response to the amendment received June 13, 2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9 and 12-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Nosek('381). Nosek discloses a clutch arrangement comprising a housing that contains a fluid and rotates about an axis, a power takeoff element 17 that is coaxial to the housing and rotates about the axis, two first friction elements 14, 73 connected to the housing, and two second friction elements 22, 23 connected to the power takeoff element. Each second friction element comprises a carrier 26 consisting of a metal plate having a plurality of circumferentially spaced carrier segments 27. Each carrier segment carries a pair of axially oppositely facing friction lining segments 51, 52. The carrier segments and the friction lining segments have circumferentially facing surfaces forming fluid transport surfaces that cause fluid to circulate around parts of the friction elements and wholly within the housing. As seen in Fig. 2 of Nosek, each friction lining carrier comprises a ring-like body section which engages the power takeoff element, the carrier segments extending radially outward from the ring-like body section. First friction

elements 14, 73 are in the form of metal plates having no friction linings. There are two friction linings segments on each carrier segment. The friction lining segments have an outer contour that conforms essentially to the outer contour of the carrier segments, as also seen in Fig. 2. Each of the first friction elements faces a second friction element without any intervening structural member.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14, 17 , and 18 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Nosek('381) in view of Canfield('526). While it is believed that the recitation in claim 14 that the outer contour of the friction segment "conforms essentially" to the contour of the carrier segment is broad enough to be met by Nosek, Canfield shows friction linings that more closely conform to the carrier segment on metallic carrier plates 40 (Fig. 3). It would have been obvious to make the friction lining more closely match the carrier shape in Nosek, the motivation being to increase the friction engaging area. In Canfield the circumferentially facing surface of the carrier segments are substantially planar and are substantially coextensive with the circumferentially facing surface of the friction lining segments. The fluid transport surfaces are substantially planar, as seen in Fig. 4 of Canfield.

Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nosek('381) in view of Sasse(WO 02/0709913 A1). The Nosek device includes a ring-like body and a web portion connecting the carrier segments to the ring-like body, but adjacent web portions are not circumferentially farther apart than the fluid transport surfaces. In the Sasse device (Fig. 13) openings 106 are provided between web portions connecting the carrier portion 58, 60 to the ring-like body 104. The opening provide connecting webs that are of substantially less width than the carrier portions such that the distance between webs is greater than the distance between fluid transport surfaces 74, 76. Openings 106 provide for improved flow of fluid, and it would have been obvious to provide similar structure in Nosek, the motivation being to improve flow of cooling fluid.

Claims 9-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Becker('864) in view of Malinowski('298). Becker discloses a clutch or brake arrangement comprising a housing 13 and a power takeoff element 10, at least two first friction elements 15 (Fig. 1) or 41 (Fig. 4) connected to the housing and at least two second friction elements 14 (Fig. 1) or 40 (Fig. 4) connected to the power takeoff element. Becker has a housing hub 11 and an axially moveable piston centered between the hub and the housing for engaging the friction elements. The Becker clutch does not appear to contain a fluid, but the multi-disc brake of Malinowski includes fluid for cooling the friction surfaces. It would have been obvious to provide the Becker clutch as a wet clutch, as suggested by the wet brake of Malinowski, the motivation

being to improve cooling of the friction elements. The Becker friction lining carrier is metal but does not have separate carrier segments as called for in the claims.

Malinowski, however, discloses separate carrier segments (Fig. 6) with friction lining segments conforming to the shape of the carrier segments. It would have been obvious to provide similar structure in Becker, the motivation being to promote oil flow, in accordance with the teaching of Malinowski. Note that Becker teaches providing the friction lining on either the discs carried by the housing (Fig. 4) or the discs carried by the power takeoff (Fig. 1).

Response to Arguments

Applicant's arguments with respect to claims 9-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney H. Bonck whose telephone number is (571) 272-7089. The examiner can normally be reached on Monday-Friday 7:00AM - 3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on (571) 272-7095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Rodney H. Bonck
Primary Examiner
Art Unit 3681

rhb
July 12, 2006